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LOK SABHA

The following Bills were introduced in Lok Sabha on the 20th December, 1963:—

BILL No. 62 OF 1963

A Bill further to amend the Coir Industry Act, 1953.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. This Act may be called the Coir Industry (Amendment) Act, 1963. Short title.

45 of 1953. 5

2. For the long title to the Coir Industry Act, 1953 (hereinafter referred to as the principal Act), the following long title shall be substituted, namely:— Amendment of the long title.

10 “An Act to provide for the establishment of a Board for the development of the Coir Industry and for that purpose to levy a customs duty on coir fibre, coir yarn and coir products exported from India and for matters connected therewith.”

3. In section 10 of the principal Act, in sub-section (2), after clause (f), the following clause shall be inserted, namely:— Amendment of section 10.

15 “(ff) setting up or assisting in the setting up of factories for the production of coir products with the aid of power;”

4. After section 14 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 14A.

“14A. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Board Grants by the Central Government to the Board.

by way of grants, such sums of money as the Central Government may consider necessary.”.

Amend-
ment of
section 15.

5. In section 15 of the principal Act, in sub-section (1), after clause (b), the following clause shall be inserted, namely:—

“(c) any sum of money that may be paid by way of grants under section 14A.”.

Substitu-
tion of
new sec-
tion for
section 17.
Accounts
and Audit.

6. For section 17 of the principal Act, the following section shall be substituted, namely:—

“17. (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, 10 including the profit and loss account and the balance-sheet in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Board shall be audited by the Com- 15 ptroller and Auditor-General of India at such intervals as may be prescribed by him and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General of India and any 20 person appointed by him in connection with the audit of the accounts of the Board shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has in connection with the audit of Government accounts, and in particular, shall have the right to 25 demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board.

(4) The accounts of the Board as certified by the Comptroller and Auditor-General of India or any other person appointed by 30 him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.”.

Amend-
ment of
section 26.

7. In section 26 of the principal Act, for sub-section (3), the 35 following sub-section shall be substituted, namely:—

“(3) Every rule made by the Central Government under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period

5 of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

STATEMENT OF OBJECTS AND REASONS

The Coir Industry Act, 1953 (No. 45 of 1953) came into force from the 9th February, 1954, providing for the control by the Union of the Coir Industry and for that purpose to establish a Coir Board and levy a customs duty on coir fibre, coir yarn and coir products exported from India. Section 14 of the Act restricts payments to the Board to not more than the net proceeds of the customs duty. It has been found from experience that the net proceeds are not adequate for meeting the expenses of the Board and the cost of the various measures undertaken by it for the development of the coir industry. It is, therefore, considered necessary to provide additional monies to the Board to finance its activities. It is also necessary to provide that such additional monies are also credited to the Coir Fund to which the net proceeds of the customs duty are credited and from which the expenses of the Board are met. There is no specific provision in the Act authorising the Comptroller and Auditor-General of India or any person appointed by him to audit the accounts of the Board. Although the accounts of the Board are audited by the Accountant-General, Kerala on behalf of the Comptroller and Auditor-General, this has to be specifically provided for in section 17 of the Act. In pursuance of the Government's decision to partially mechanise the coir matting sector, the Coir Board proposes to set up a factory for manufacture of coir matting by mechanised process and to enable the Coir Board to undertake such production activities, provision has to be specifically made for the purpose in the functions of the Board.

The present Bill is intended to give effect to the above objects.

MANUBHAI SHAH.

NEW DELHI;

The 11th December, 1963.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE
CONSTITUTION OF INDIA

(Copy of letter No. 57(2)-J&C/58, dated the 17th December, 1963 from Shri Manubhai Shah, Minister of International Trade to the Secretary, Lok Sabha.)

The President having been informed of the Coir Industry (Amendment) Bill, 1963, recommends, under article 117(1) and (3) of the Constitution of India, the introduction and consideration of the Bill in the Lok Sabha.

FINANCIAL MEMORANDUM

Clause 3 of the Bill empowers the Coir Board to undertake the establishment of mechanised factories for the manufacture of coir products. The Board has a proposal for the establishment of one such factory for the manufacture of coir matting and the scheme is expected to cost about Rs. 10 lakhs.

2. Clause 4 of the Bill provides for grants to be made by the Central Government to the Board, since it has been found from experience that the funds available to the Board are not adequate to meet its expenses. These additional grants by the Central Government are intended to ensure that the activities of the Coir Board do not receive a set-back. The exact amount which may be paid by way of grants will vary from year to year, depending upon the level of the actual proceeds of the customs duty and the necessary amount required by the Board to meet its expenses, taking into account the proposed enlarged scope of its activities. It is, therefore, not possible to determine the exact amount that is likely to be incurred in this behalf. No such expenditure will, however, be incurred without due appropriation made by Parliament by law in this behalf.

BILL No. 59 OF 1963

A Bill further to amend the Prevention of Food Adulteration Act, 1954.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

Short title
and com-
mence-
ment,

1. (1) This Act may be called the Prevention of Food Adulteration (Amendment) Act, 1963.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. 5

Amend-
ment of
section 3.

2. In section 3 of the Prevention of Food Adulteration Act, 1954, hereinafter referred to as the principal Act,— 37 of 1945.

(i) in sub-section (2),—

(a) for clause (d), the following clause shall be substituted, namely:— 10

“(d) one representative each of the Departments of Food and Agriculture in the Central Ministry of Food and Agriculture and one representative each of the Central Ministries of Defence, Industry, International Trade and Railways, nominated by the Central Government;” 15

(b) after clause (h), the following clause shall be inserted, namely:—

“(i) one representative nominated by the Indian Standards Institution referred to in clause (e) of section 2 of the Indian Standards Institution (Certification Marks) Act, 1952.” 20

(ii) in sub-section (3), for the brackets, letters and word “(g) and (h)”, the brackets, letters and word “(g), (h) and (i)” shall be substituted.

3. In section 7 of the principal Act, in clause (iv), for the words “with a view to preventing the outbreak or spread of infectious diseases”, the words “in the interest of public health” shall be substituted. Amendment of section 7.

4. For section 9 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 9.

10 “9. (1) The Central Government or a State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications to be food inspectors for such areas as may be assigned to them by the Central Government or the State Government, as the case may be. Food Inspectors.

15 (2) No person who has any financial interest in the manufacture, import or sale of any article of food shall be appointed to be a food inspector under this section.

45 of 1860. 20 (3) Every food inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and shall be officially subordinate to such authority as the Government appointing him, may specify in this behalf.”

5. In section 10 of the principal Act,—

25 (i) in clause (c) of sub-section (1), for the words “with a view to preventing the outbreak or spread of any infectious disease” the words “in the interest of public health” shall be substituted; Amendment of section 10.

(ii) after sub-section (4), the following proviso shall be inserted, namely:—

30 “Provided that whenever the food inspector keeps in the safe custody of the vendor such article, the vendor shall execute a bond for a sum of money equal to the value of such article with one or more sureties as the food inspector deems fit.”;

35 (iii) in sub-section (7), for the words “as far as possible, call not less than two persons to be present at the time when such action is taken and take their signatures”, the words “call one or more persons to be present at the time when such action is taken and take his or their signatures” shall be substituted.

Substitution of new section for section 14.

Vendor to disclose the name of the manufacturer, etc.

Amendment of section 16.

6. For section 14 of the principal Act, the following section shall be substituted, namely:—

“14. Every vendor of an article of food shall, if so required, disclose to the food inspector the name, address and other particulars of the person from whom he purchased the article of food.” 5

7. In section 16 of the principal Act,—

(a) in sub-section (1),—

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) whether by himself or by any person on his behalf imports into India or manufactures for sale, or stores, sells or distributes any article of food— 10

(i) which is adulterated or the sale of which is for the time being prohibited by the Food (Health) Authority in the interest of public health;

(ii) other than an article of food referred to in sub-clause (i) in contravention of any of the provisions of this Act or of any rule made thereunder, or”; 15

(ii) in clause (f), the word “or” occurring at the end shall be omitted; 20

(iii) clause (g) shall be omitted;

(iv) for paragraphs (i), (ii) and (iii), the following paragraphs shall be substituted, namely:—

“(i) for the first offence—

(a) if the offence is with respect to sub-clause (i) of clause (a) or clause (b) or clause (c) or clause (d), with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine; and 25

(b) in other cases, with imprisonment for a term which may extend to two years and with fine; 30

(ii) for a second offence, with imprisonment for a term which shall not be less than two years but which may extend to three years and with fine which shall not be less than two thousand rupees: 35

Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose

a sentence of imprisonment of less than two years but not less than six months;

5 (iii) for a third and subsequent offences, with imprisonment for a term which shall not be less than four years but which may extend to six years and with fine which shall not be less than three thousand rupees:

10 Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment of less than four years but not less than six months.”;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

15 “(1A) Whoever contravenes the provisions of section 14 shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.”.

8. In section 19 of the principal Act, for sub-sections (2) and (3), the following sub-section shall be substituted, namely:— Amendment of section 19.

20 “(2) A vendor shall not be deemed to have committed an offence pertaining to the sale of any adulterated or misbranded article of food if he proves—

(a) that he purchased the article of food—

25 (i) in a case where a licence is prescribed for the sale thereof, from a duly licensed manufacturer, distributor or dealer;

(ii) in any other case, from any manufacturer, distributor or dealer;

30 (b) that he did not know and could not, with reasonable diligence, have ascertained that the article of food was adulterated or misbranded; and

(c) that the article of food while in his possession was properly stored and remained in the same state as when he purchased it.”.

35 9. In section 20 of the principal Act, in sub-section (1), for the words “the State Government or a local authority” wherever they occur, the words “the Central Government or the State Government or a local authority” shall be substituted Amendment of section 20.

10. In section 23 of the principal Act,—

40 (i) in clause (a) of sub-section (1), for the words “and the fees payable therefor”, the words “, the fees payable therefor, the Amendment of section 23.

deposit of any sum as security for the performance of the conditions of the licence and the circumstances under which such security may be forfeited" shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

Amendment of section 24.

11. In section 24 of the principal Act, in clause (b) of sub-section (2), for the words "and the fees payable therefor", the words "the fees payable therefor, the deposit of any sum as security for the performance of the conditions of the licence and the circumstances under which such security may be forfeited" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The administration of the Prevention of Food Adulteration Act, 1954, during the last about eight years has revealed that the machinery provided by the Act is inadequate and that to cope with the increasing tendencies to indulge in adulteration, a revision of some of the provisions is necessary. The Central Council of Health at its meeting held in October, 1960, reviewed the position and recommended *inter alia* that the penal provisions of the Act should be made more deterrent and the services of the food inspectors instead of being left to remain under the local authorities should be provincialised. The Planning Commission, while examining the problem of prevention of food adulteration, has also suggested the centralisation of administration.

Under the Act, the power to appoint Food Inspectors vests with the State Governments except at major ports, air ports, customs stations and railway stations. The common practice followed by the State Governments is to appoint the Inspectors of local authorities as Food Inspectors. For the proper enforcement of the Act, it is considered necessary that the Central Government also should have power to appoint Food Inspectors.

It is also considered that the penal provisions of the Act are inadequate and that they should be made more deterrent in order to have an effective check on the evil of adulteration.

The Bill mainly seeks to give effect to the above proposals. Opportunity has also been availed of to carry out certain other minor amendments to remove difficulties in the administration of the Act.

NEW DELHI;

The 11th December, 1963.

SUSHILA NAYAR.

FINANCIAL MEMORANDUM

Under clause 4 of the Bill which seeks to substitute section 9 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), the Central Government and the State Governments have concurrent powers with regard to the appointment of Food Inspectors. To co-ordinate the work of the Food Inspectors appointed by the Central Government and the State Governments and for the rigorous enforcement of the provisions of the Act and the rules made thereunder, a separate unit at the Centre and five zonal offices in the country are proposed to be established. The expenditure involved on account of the appointment of Food Inspectors by the Central Government and the setting up of the Central and zonal offices, is as indicated below:—

Non-recurring expenditure	..	Rs. 50,000.
Recurring expenditure per annum	..	Rs. 9,50,000.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 10 and 11 of the Bill respectively empower the Central Government and the State Government to make rules regarding the deposit of security for the performance of the conditions of the licence and the circumstances under which such security may be forfeited. The matters with respect to which rules are to be made are of routine nature and the delegation of legislative powers is of a normal character.

BILL No. 58 OF 1963

A Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Salaries and Allowances of Members of Parliament (Amendment) Act, 1963.

(2) It shall come into force at once.

5

Amendment
of section 3.

2. In section 3 of the Salaries and Allowances of Members of Parliament Act, 1954 (hereinafter referred to as the principal Act)—

30 of 1954.

(i) for the words “four hundred”, the words “five hundred” shall be substituted; and

(ii) for the words “twenty-one”, the words “thirty” shall be substituted.

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Amendment
of section 6.

3. In sub-section (1) of section 6 of the principal Act, for the words ‘entitle him to travel’ the words ‘entitle him or her to travel accompanied by his wife or her husband, as the case may be’ shall be substituted.

15

STATEMENT OF OBJECTS AND REASONS

The present salary of the Members of Parliament is not enough to meet their daily requirements in view of the high prices. Keeping in view the rising standard of living of the country, it would be proper if the emoluments of Members are also raised.

In regard to the travelling facilities, the Members have often felt the need of their wives or husbands, as the case may be, accompanying them on the journey as they are of great help to the Members during their travel and stay when Parliament is in Session.

Hence this Bill.

NEW DELHI;

PANNA LAL BARUPAL.

The 12th September, 1963.

FINANCIAL MEMORANDUM

The provisions of the Bill if enacted would no doubt involve expenditure. No exact idea is possible as to the amount of recurring and non-recurring expenditure that may be required. But to start with, a non-recurring grant of Rs. 5 lakhs would appear to be necessary.

BILL No. 56 OF 1963

A Bill further to amend the Hindu Marriage Act, 1955.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Hindu Marriage (Amendment) Act, 1963. Short title,
extent and
commence-
ment.
- 5 (2) It extends to whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

- 25 of 1955. 2. Section 5 of the Hindu Marriage Act, 1955 shall be renumbered as sub-section (1) of that section, and the following new sub-section Amendment
of section 5.
- 10 shall be added thereto, namely:—

“(2) No widower or divorcee shall marry an unmarried girl:

Provided that a widow or a widower may marry a widower or widow, respectively, or a divorcee, as the case may be:

- 5 Provided further that a bridegroom who has completed the age of eighteen years may marry a widow.”

STATEMENT OF OBJECTS AND REASONS

This amendment in the Hindu Marriage Law is essential since the practice of the widowers marrying virgin girls has resulted in an increase in the number of widows in the country. The regard for such widows in the society is at low ebb. Anti-social tendencies raise their heads and incidentally encourage illicit alliances and prostitution.

2. Some married men, besides their own wives, entice unmarried girls and assure them of matrimonial relationship. Later on, these men divorce their already wedded wives and enter into love marriage with those new girls. Therefore, the divorcees should marry only widows and they should be treated as widowers. They should not be permitted to marry virgins.

NEW DELHI;
The 19th November, 1963.

PANNA LAL BARUPAL.

BILL No. 57 OF 1963

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1963. Short title
and com-
mence-
ment.

5 (2) It shall come into force immediately after the dissolution of the present House of the People.

2. In this Act, "article", wherever it occurs, means an article of the Constitution. Definition.

3. In article 84, after clause (b),—

10 (i) the following clauses shall be inserted, namely:—

(c) is, in the case of a seat in the House of the People, not more than seventy-five years of age;

(d) has passed at least a secondary educational test; and

15 (ii) the existing clause (c) shall be re-lettered as clause (e).

Amend-
ment of
article
84.

Amend-
ment of
article
173.

4. In article 173, after clause (b),—

(i) the following clauses shall be inserted, namely:—

(c) is, in the case of a seat in the Legislative Assembly,
not more than seventy-five years of age;

(d) has passed at least a primary education test; and 5

(ii) the existing clause (c), shall be re-lettered as clause (e).

STATEMENT OF OBJECTS AND REASONS

The Bill is intended to discountenance the growth of gerontocracy in our young democratic republic. It also seeks to ensure that a member of Parliament or of a State Legislature will possess a minimum educational qualification. This is necessary and desirable, particularly in view of the incongruity of the position which requires high educational qualifications in the case of those who administer and judge the law, while the lawmaker is, under the Constitution, exempt from any educational qualification whatever.

NEW DELHI;

HARI VISHNU KAMATH.

The 20th November, 1963.

M. N. KAUL,
Secretary.

